

## **COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

**January 18, 2005**

**6:30 PM**

Chairman Forest called the meeting to order.

The Clerk called the roll.

Present: Aldermen Forest, Gatsas, Osborne, Porter, Lopez

Messrs.: Tom Arnold, Leon LaFreniere, Frank Thomas, Barbara Vigneault

Chairman Forest addressed item 4 of the agenda:

4. Report of the Committee on Administration/Information Systems recommending that language for a proposed charter amendment relating to primary elections be submitted to the Board.

Chairman Forest stated the Chair has a recommendation that it be received and filed.

Alderman Porter moved to receive and file item 4. Alderman Gatsas duly seconded the motion. There being none opposed, the motion carried.

Chairman Shea addressed item 5 of the agenda:

5. Communication from Chris Compas requesting that fees for obtaining daily copies of the Police accident logs be waived.

Alderman Lopez moved to deny the request. Alderman Porter duly seconded the motion.

Alderman Porter stated after reading Mr. Compas' letter I can understand where he's coming from, however, I think by doing this would open up a Pandora's Box where if we give it to one person everybody in the City could be using that for a list of letters for advertising and so forth. So, unfortunately, I do agree to deny the question.

Chairman Forest called for a vote on the motion to deny the request. There being none opposed, the motion carried.

## **TABLED ITEMS**

6. Communication from Alderman Osborne requesting the contract compliance issues noted in the management letter be referred to the Committee on Administration.

This item remained tabled.

Clerk Normand stated we did pass out correspondence from Frank Thomas on item 10 relative to the Procurement Code.

10. Revised Procurement Code.

Alderman Lopez moved to remove item 10 from the table for discussion. Alderman Porter duly seconded the motion. There being none opposed, the motion carried.

Mr. Frank Thomas, Public Works Director, stated the proposed Procurement Code has been sent to all City departments, comments were made, comments have been incorporated in the draft that you have in front of you dated December 3, 2004. I believe that the departments are now satisfied with the draft that has been presented to you. The Airport Authority had some reservations but being able to seek waivers from the Board of Mayor and Aldermen on specific issues that are concerns to them, I think, has settled their reservations. There was one housekeeping change that I made in preparing for tonight's meeting, I went through the draft and the page that has been handed out to you, page 8 of 19 there was one little housekeeping deletion...you'll see the crossed out line. An Executive Summary has also been passed out which was given out to the full Board of Mayor and Aldermen in November...the Procurement Code just to summarize why we're here...the Procurement Code was rewritten to provide flexibility in the use of different procurement methods such as design/build, in addition dollar limits have been increased to better reflect the economy that we're in today and lastly, more clarification has been included in this Draft Procurement Code...if you compared this Procurement Code to the old Procurement Code you can see that there's a lot more pages, a lot more definitions...what we've done is try to make it easier for the purchasing agents to understand what a change order is, what an amendment is, what the proper procedures are. As I mentioned, what we've tried to do is provide more flexibility to departments. Obviously, more flexibility passes more responsibilities onto the departments to properly administer what is permitted in the Procurement Code now instead of being limited to only

one or two ways of procuring goods and services...not as many options open to them but have to be wise enough to use them properly. In the first paragraph of the Procurement Code we especially note that if there is any questions to seek advice from the City Solicitor's Office or the Finance Department. Based on that I'd be glad to try and answer any questions that you may have.

Alderman Lopez stated on that authority to award based on department's budgets and authorize CIP allocation by purchasing agency isn't that part of the budget process. I'm a little confused there.

Mr. Thomas replied basically what we're trying to say there is the purchasing agency, the department heads say, if money has been allocated to that department by means of their operating budget or means of an approved CIP that has gone through the process they do have the ability to award. In some cases, if they're multi-year contracts and are committing the City for future funds those have to come back to the Board of Mayor and Aldermen for those types of orders.

Chairman Forest asked, Frank, are you recommending to us that we send it to the full Board?

Mr. Thomas replied yes I'm recommending on behalf of the other departments and myself that this draft moves forward with a recommendation by this Committee.

Alderman Lopez moved to recommend approval of the Procurement Code and that same be referred to the Committee on Bills on Second Reading for technical review.. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

Chairman Forest addressed item 9 of the agenda:

9. Communication from Barbara Vigneault, Elderly Services Director, advising of CMC's proposal to provide community and medical services at the new William B. Cashin Senior Activity Center.

On motion of Alderman Porter, duly seconded by Alderman Osborne, it was voted to remove item 9 from the table for discussion.

Chairman Forest stated I believe Mr. Arnold has something regarding this item.

Deputy City Solicitor Arnold stated you should have received a letter from me probably today, I attempted to have it delivered by the courier. Basically, we did review the minutes of the last meeting and we are of the opinion that there might be increased liability by having Catholic Medical Center come in and offer courses and I've made several recommendations in order to mitigate that liability including reviewing CMC material to make sure that those materials are clear that any classes offered by Catholic Medical Center recommending that the City get at least a liability and indemnity agreement and provide liability insurance for any programs.

Alderman Lopez stated since I brought this up I'm satisfied with the City Solicitor's comments in reference to one, two and three and the last comment. The question I have is for Tom. If we approve this is this going to be a standard policy throughout the City or just for the Elderly Center.

Deputy City Solicitor Arnold replied this letter, of course, is specifically for Catholic Medical Center and Elderly Services. I would say that generally it is a policy we try and follow when these types of situations come to our attention such as requiring insurance against that type of thing.

Alderman Lopez stated another question I have of the City Solicitor is when department heads go into an agreement, it was standard practice that they would then send you the agreement to make sure that, if we establish this that things are in order?

Deputy City Solicitor Arnold replied I can't say it's a standard practice among all departments or across all departments. A number of departments do send, I believe, most if not all of the agreements to us. I have no way of knowing actually what agreements aren't sent to us. I just know that we do interact frequently with certain departments and certain departments have expertise within their own departments.

Alderman Lopez stated for this one, the Elderly Services Department to accept Catholic Medical Center they will have to comply with the wishes of the City Solicitor's Office in order to protect the City, is that correct?

Deputy City Solicitor Arnold replied if the Committee wants to adopt those recommendations, yes.

Alderman Lopez moved to recommend approval of the proposal from Catholic Medical Center to provide community and medical service at the new William B. Cashin Senior Activity Center contingency upon the recommendations from the Solicitor's Office and that the City Solicitor be authorized to proceed with drafting and execution of documents necessary to implement such recommendations. Alderman Gatsas duly seconded the motion. There being none opposed, the motion carried.

7. Communication from Alderman Shea relative to procedures for citations.

On motion of Alderman Gatsas, duly seconded by Alderman Porter, it was voted to remove item 7 from the table for discussion.

Alderman Gatsas asked why was this item tabled.

Chairman Forest replied I believe it was referred to the City Clerk's Office for research to investigate further. Could this item be referred to the parking study?

Clerk Normand stated when Alderman Shea first brought this up it wasn't actually sent to our office, it was sent to three other departments. Our office was to coordinate with them and to set a meeting, however, when we went into the parking study a lot of issues came out of Ordinance Violations Bureau relative to this issue. It was discussed in the presentation that they were short staffed, they were having trouble keeping up, we went over that at length. I talked to Leon today and he may have some more to input since I spoke to him but we believe that the process was at least working and there was another individual in the office helping out at Ordinance Violations.

Alderman Gatsas asked does that mean we should we receive and file it or what should we be taking for a vote. Any suggestions, Matt?

Clerk Normand replied you could receive and file the communication unless Leon has anything more to add.

Alderman Lopez stated I don't mind receiving and filing but I think it is a problem that when citations or the Zoning Board...maybe Leon can explain this a little better than I do because he's involved with it.

Alderman Porter stated if the Zoning Board rules that someone is in violation, if you will, of the Building Codes what length of time between then and between the time that a person are instructed to take some action to remedy the impropriety, if you will. How long do they have before...and would you be the enforcement office?

Mr. Leon LaFreniere, Building Commissioner, stated yes we do administer in the Building Department the Zoning Ordinance and as I believe you probably know when we are determining that a violation exists, when we do whatever or through whatever analysis to determine that a violation exists and a correction must be made we'll order a correction be made/effectuated. The process is such that once someone files an appeal to the Zoning Board of Adjustment either to appeal my decision or interpretation of the ordinance in the application or to ask for relief from the terms of the ordinance in the form of a variance request the enforcement action is potentially stopped. We are not permitted by statute to continue our enforcement efforts except in the cases where there's a public safety hazard or other safety issues that need to be addressed. So, when we get to the situation that you're discussing where a violation has been determined, an order has been made for correction, an appeal to the Zoning Board has subsequently been filed and the Zoning Board has acted to deny the request. The Zoning Board can actually stipulate a timeframe for correction. Typically, they leave that to the Building Department as part of our on-going enforcement efforts. So, if they have not established a timeframe then we would once again initiate our enforcement efforts and try to provide a reasonable path to get compliance. In the case of something that is weather dependent we'll work with somebody to get compliance when the weather is suitable. If it's something that is not dependent necessarily on the weather we'll just reinstate an order to correct and it really depends...there isn't really a set timeframe it really depends on the nature of the violations. It could be as short a period of time as ten days or it could be as long as 90 days depending on the nature of the violation.

Alderman Porter moved to receive and file the communication from Alderman Shea. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

8. Resolution:

“Establishing a Non-Capital Reserve Account pursuant to  
RSA 34:1-a.”

On motion of Alderman Gatsas, duly seconded by Alderman Porter, it was voted to remove item 8 from the table for discussion.

Alderman Gatsas moved to receive and file the resolution.

Chairman Forest stated Randy Sherman was ready to make a presentation at the last meeting and I think he is ready. Instead of receiving and filing why not retable and see if I can schedule Randy for the first of February about five o'clock prior to the Aldermanic meeting.

Alderman Porter asked could we get a list of all of the reserve accounts because once we set these up you can never go into them.

Chairman Forest stated I can have him explain that at our next meeting.

Alderman Porter asked how many reserve accounts do we have, I guess that is what I'd like to know and what are they.

Alderman Gatsas stated the reason I made the motion to receive and file is because I think it's been sitting around since July and it says there that we're supposed to get written examples. Have we received those since July?

Chairman Forest replied I don't believe we have.

Alderman Lopez stated I had requested those.

Chairman Forest reiterated I think Randy's ready to do the presentation so why don't we table until February 1<sup>st</sup> and I'll have Randy come in because he said it's a lengthy presentation.

Alderman Lopez stated I don't mind doing that providing we can get the information before the meeting.

Chairman Forest stated I can ask him to send it to the Committee. So, can I have a motion to table it.

Alderman Lopez moved to table item 8. Alderman Porter duly seconded the motion.

Alderman Gatsas stated I didn't withdraw my motion to receive and file item 8. Alderman Osborne duly seconded the motion. The motion carried with Aldermen Lopez and Forest duly recorded in opposition.

Chairman Forest addressed item 3 of the agenda:

3. Appeal of the denial of taxi driver's license.

Clerk Normand suggested item 3 be addressed later so as to address other items first. I would recommend that the appeal be denied and uphold the decision of the Clerk's Office to deny the application.

Alderman Lopez moved to accept the Clerk's recommendation to deny the application. Alderman Gatsas duly seconded the motion.

There being no further business to come before the Committee, on motion of Alderman Gatsas, duly seconded by Alderman Lopez, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee